

91ST CONGRESS
1ST SESSION

S. 764

IN THE SENATE OF THE UNITED STATES

JANUARY 29 (legislative day, JANUARY 10), 1969

Mr. YARBOROUGH introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To establish an international health, education, and labor program to provide open support for private nongovernmental activities in the fields of health, education, and labor, and other welfare fields.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ESTABLISHMENT OF FOUNDATION

4 SECTION 1. (a) There is hereby established as an
5 independent agency of the Government an International
6 Health, Education, and Labor Foundation (hereinafter
7 referred to as the "Foundation").

8 (b) The Foundation shall be composed of a Director

9 and an International Health, Education, and Labor Council

10 (hereinafter referred to as the "Council").

1 (c) The purposes of the Foundation shall be to establish
2 and conduct an international health, education, and labor
3 program under which the Foundation shall provide open
4 support for private, nongovernmental activities in the fields
5 of health, education, and labor and other welfare fields,
6 designed—

7 (1) to promote a better knowledge of the United
8 States among the peoples of the world;

9 (2) to increase friendship and understanding among
10 the peoples of the world; and

11 (3) to strengthen the capacity of the other peoples
12 of the world to develop and maintain free, independent
13 societies in their own nations.

14 DIRECTOR OF FOUNDATION

15 SEC. 2. (a) The Foundation shall be headed by a
16 Director who shall be appointed by the President, by and
17 with the advice and consent of the Senate. The person
18 nominated for appointment as the Director shall be a
19 distinguished citizen who has demonstrated exceptional
20 qualities and abilities necessary to enable him to successfully
21 perform the functions of the office of the Director.

22 (b) The Director shall receive compensation at the rate
23 prescribed for level II of the Executive Schedule under sec-

24 tion 5311 of title 5, United States Code, and shall serve
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25 for a term of five years.

1 (c) The Director, with the advice of the Council, shall
2 exercise all of the authority granted to the Foundation by
3 this Act and shall serve as chief executive officer of the
4 Foundation.

5 COUNCIL

6 SEC. 3. (a) The Council shall consist of eleven members
7 to be appointed by the President, by and with the advice
8 and consent of the Senate. The persons nominated for ap-
9 pointment as members of the Council (1) shall be eminent
10 in the fields of education, student activities, youth activities,
11 labor, health, scientific research, or other fields pertinent
12 to the functions of the Foundation; (2) shall be selected
13 solely on the basis of established records of distinguished
14 service; and (3) shall not be officers or employees of the
15 Government of the United States. The President is requested,
16 in the making of nominations of persons for appointment as
17 members, to give due consideration to any recommendations
18 for nomination which may be submitted to him by leading
19 private associations, institutions, and organizations concerned
20 with private activities in the fields of health, education, and
21 labor, and other welfare fields related to the purposes set
22 forth in the first section of this Act.

23 (b) The term of office of each member of the Council

24 shall be six years, except that (1) the terms of the members
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25 first appointed shall expire, as designated by the President,

1 three at the end of two years, four at the end of four years,
2 and four at the end of six years after the date of enactment
3 of this Act; and (2) any member appointed to fill a vacancy
4 shall serve for the remainder of the term for which his
5 predecessor was appointed. No member shall be eligible for
6 reappointment during the two-year period following the
7 expiration of his term.

8 (c) The members of the Council shall receive compen-
9 sation at the rate of \$100 for each day engaged in the busi-
10 ness of the Foundation and shall be allowed travel expenses
11 as authorized by section 5703 of title 5, United States Code.

12 (d) The President shall call the first meeting of the
13 Council and designate an Acting Chairman. The Board shall,
14 from time to time thereafter, select one of its members to
15 serve as Chairman of the Council.

16 (e) The Council shall meet at the call of the Chairman,
17 but not less than once every six months. Six members of the
18 Council shall constitute a quorum.

19 (f) The Council (1) shall advise the Director with
20 respect to policies, programs, and procedures for carrying out
21 his functions, and (2) shall review applications for financial
22 support submitted pursuant to section 4 and make recom-
23 mendations thereon to the Director. The Director shall not

24 approve or disapprove any such application until he has
25 received the recommendation of the Council thereon, unless
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1 the Council fails to make a recommendation on such appli-
2 cation within a reasonable time.

3 (g) The Council shall, on or before the 31st day of
4 January, of each year, submit an annual report to the Presi-
5 dent and the Congress summarizing the activities of the
6 Council during the preceding calendar year and making such
7 recommendations as it may deem appropriate. The contents
8 of each report so submitted shall promptly be made available
9 to the public.

10 GRANTS IN SUPPORT OF PRIVATE ACTIVITIES

11 SEC. 4. (a) To effectuate the purposes of this Act, the
12 Director is authorized, subject to section 3 (f), to make
13 grants to private, nonprofit agencies, associations, and organi-
14 zations organized in the United States, to public or private
15 nonprofit educational institutions located in the United States,
16 and to individuals or groups of individuals who are citizens
17 of the United States not employed by the Government of the
18 United States, a State or political subdivision of a State, or
19 the District of Columbia, for the purpose of enabling them
20 to assist, provide, or participate in international activities,
21 conferences, meetings, and seminars in the fields of health,
22 education, and labor, and other welfare fields related to the
23 purposes set forth in the first section of this Act. No portion

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1 Director, or by any recipient of a grant under this section,
2 to support any intelligence-gathering activity on behalf of the
3 United States or to support any activity carried on by any
4 officer or employee of the United States.

5 (b) Each grant shall be made by the Director under
6 this section only upon application therefor in such form and
7 containing such information as may be required by the
8 Director and only on condition that the recipient of such
9 grant will conduct openly all activities supported by such
10 grant and make such reports as the Director may require
11 solely to determine that the funds so granted are applied to
12 the purpose for which application is made.

13 (c) The Director shall develop procedures and rules
14 with respect to the approval or disapproval of applications
15 for grants under this section which will provide, insofar as
16 practicable, an equitable distribution of grants among the
17 various applicants for such grants and types of activities to be
18 supported by such grants, but which will assure that grants
19 will be made to those qualified recipients most capable of
20 achieving a successful or significant contribution favorably
21 related to the purposes set forth in the first section of this
22 Act. In making grants under this section, the Director shall
23 not impose any requirements therefor or conditions thereon
24 which impair the freedom of thought and expression of any
25 recipients or other beneficiaries of such grants.

1 (d) The Director may (1) pay grants in such install-
2 ments as he may deem appropriate and (2) provide for
3 such adjustment of payments under this section as may be
4 necessary, including, where appropriate, total withholding
5 of payments.

6 PUBLIC REPORTS BY DIRECTOR

7 SEC. 5. The Director shall, on or before the 31st day of
8 January of each year, submit an annual report to the Presi-
9 dent and the Congress setting forth a summary of his activi-
10 ties under this Act during the preceding calendar year. Such
11 report shall include a list of the grants made by the Director
12 during the preceding calendar year; a statement of the use
13 to which each recipient applied any grant received during
14 the preceding calendar year; and any recommendations
15 which the Director may deem appropriate. The contents of
16 each report so submitted shall promptly be made available
17 to the public.

18 GENERAL AUTHORITY

19 SEC. 6. The Director shall have the authority, within
20 the limits of funds available under section 9, to—

21 (1) prescribe such rules and regulations as he
22 deems necessary governing the manner of the opera-
23 tions of the Foundation, and its organization and per-
24 sonnel;

25 (2) appoint and fix the compensation of such per-

1 personnel as may be necessary to enable the Foundation to
2 carry out its functions under this Act, without regard to
3 the provisions of title 5, United States Code, governing
4 appointments in the competitive service and the provi-
5 sions of chapter 51 and subchapter III of chapter 53 of
6 such title relating to classification and General Schedule
7 pay rates: except that the salary of any person so em-
8 ployed shall not exceed the maximum salary estab-
9 lished by the General Schedule under section 5332 of
10 title 5, United States Code;

11 (3) obtain the services of experts and consultants
12 from private life, as may be required by the Director or
13 the Council, in accordance with the provisions of section
14 3109 of title 5, United States Code;

15 (4) accept and utilize on behalf of the Foundation
16 the services of voluntary and uncompensated personnel
17 from private life and reimburse them for travel expenses,
18 including per diem, as authorized by section 5703 of
19 title 5, United States Code;

20 (5) receive money and other property donated,
21 bequeathed, or devised, by private, nongovernmental
22 sources, without condition or restriction other than that
23 it be used for any of the purposes of the Foundation;

24 and to use, sell, or otherwise dispose of such property

25 in carrying out the purposes of this Act; and

1 (6) make other expenditures necessary to carry
2 into effect the purposes of this Act.

3 PROHIBITION AGAINST REQUIRING INTELLIGENCE

4 GATHERING

5 SEC. 7. No department, agency, officer, or employee of
6 the United States shall request or require any recipient or
7 any other beneficiary of any grant made under this Act to
8 obtain, furnish, or report, or cause to be obtained, furnished,
9 or reported, any information relating, directly or indirectly,
10 to any activity supported by such grant, except as is (1)
11 provided by section 4(b) of this Act or (2) authorized
12 under law in the case of any information directly relating
13 to the violation of any criminal law of the United States by
14 such recipient or beneficiary.

15 INDEPENDENCE FROM EXECUTIVE CONTROL

16 SEC. 8. (a) Determinations made by the Director and
17 the Council in the discharge of their functions under this
18 Act shall not be subject to review or control by the Presi-
19 dent or by any other department, agency, officer, or em-
20 ployee of the Government.

21 (b) The provisions of subchapter II of chapter 5 of
22 title 5, United States Code (relating to administrative pro-
23 cedure), and of chapter 7 of such title (relating to judicial
24 review), shall not apply with respect to the exercise by the
 Director or the Council of their functions under this Act.

10

1 **APPROPRIATIONS**

2 **SEC. 9.** There are hereby authorized to be appropriated
3 to the Foundation such sums as may be necessary to carry
4 out the purposes of this Act, except that the aggregate of
5 such sums appropriated prior to June 30, 1972, shall not
6 exceed \$100,000,000. Sums appropriated under this section
7 shall remain available until expended.

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and labor program to provide open support
for private, nongovernmental activities in
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other welfare fields.

By Mr. YARBOROUGH

JANUARY 29 (legislative day, JANUARY 10), 1969
Read twice and referred to the Committee on Labor
and Public Welfare

Proposed Section 7 of S. 1779

Sec. 7. No department, agency, officer, or employee of the United States shall require any recipient or any other beneficiary of any grant made under this act to enter into any agreement to engage in intelligence activities relating, directly or indirectly, to any activity supported by such grant; provided, however, that nothing contained herein shall preclude any such recipient or other beneficiary from voluntarily providing the United States Government any information directly relating to the national security or the violation of any criminal law of the United States.

ROUTING AND RECORD SHEET

SUBJECT: (Optional) S. 764 - To Establish a Program to Provide Open Support for Private Nongovernmental Activities

FROM: Director, Room 912, [REDACTED] EXTENSION NO. DATE 13 May 1969

TO: (Officer designation, room number, and building) DATE RECEIVED FORWARDED OFFICER'S INITIALS COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Chief, Executive Staff, DDI
7E44 HQ

Section 7 of S. 764 as written would not cause DCS much difficulty. However, the Agency proposed Section 7 would be better.

[REDACTED]
James R. Murphy

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